

**P O R T E R | S C O T T**

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STANISLAUS COUNTY, JUSTIN CAMARA, ZA XIONG, ERIC BAVARO

*(Exempt from Filing Fees Pursuant to Government Code § 6103)*

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

DOROTHEY HEIMBACH, individually and  
as successor in interest to Anthony Silva,

Plaintiff,

v.

STANISLAUS COUNTY; and JUSTIN  
CAMARA, ZA XIONG, and ERIC  
BAVARO, in their individual capacities,

Defendants.

Case No. 2:23-cv-01887-DJC-CSK

**DEFENDANTS' OBJECTIONS TO  
PLAINTIFF'S PROPOSED VERDICT  
FORM**

First Amended Complaint Filed: 11/21/2023

Second Amended Complaint Filed: 3/14/2024

Defendants submit the following objections to Plaintiff's verdict form:

"QUESTION 1: Did defendants use excessive or unreasonable force or integrally  
participate in the use of excessive or unreasonable force against Anthony Silva?

**OBJECTION TO QUESTION NO. 1:** The terms "unreasonable" is superfluous to "excessive" and/or  
is confusing when the Model Instructions 9.25 consistently uses "excessive." This question also  
inappropriately includes "integrally participate" which either incorporates an assumed jury instruction  
on causation, or is not necessary to the question.

"QUESTION 2: Was the use of excessive or unreasonable force or integral

1 participation in the use of excessive or unreasonable force a cause of injury, harm,  
2 or death to Anthony Silva?”

3 **OBJECTION TO QUESTION NO. 2:** Defendant incorporates the objections to Question 1. In  
4 addition, “injury, harm or death” is compound, confusing and vague.

5 “QUESTION 3: Did the defendants use excessive or unreasonable force against Anthony Silva?”

6 **OBJECTION TO QUESTION NO. 3:** Defendant incorporates the objections to Question 1

7  
8  
9 “QUESTION 4: Was the use of excessive or unreasonable force by either of the defendants a cause of  
10 injury, harm, or death to Anthony Silva?”

11 **OBJECTION TO QUESTION NO. 4:** Defendant incorporates the objections to Questions 1 and 2.

12  
13 “QUESTION 6: Was the negligence of either defendant a substantial factor in  
14 causing injury, harm, or death to Anthony Silva?”

15 **OBJECTION TO QUESTION NO. 6:** the terms “injury, harm, or death” is compound, confusing and  
16 vague.

17 “QUESTION 10: Did defendants engage in conduct that deprived Plaintiff of her  
18 familial relationship with Anthony Silva, in violation of the Fourteenth  
19 Amendment?”

20 **OBJECTION TO QUESTION NO. 10:**

21 The phrase “engage in conduct” is vague, superfluous.

22 “QUESTION 12: What are the Plaintiff’s wrongful death damages for the loss of  
23 Anthony Silva?

24 Past wrongful death damages: \$ \_\_\_\_\_

25 Future wrongful death damages: \$ \_\_\_\_\_

26 **OBJECTION TO QUESTION NO. 12:**

27 The jury instruction (CACI 3291) speaks to past and future economic damages, not past or future  
28 non-economic damages. Plaintiff is not seeking economic damages, so this is misleading as drafted.

1 Dated: December 15, 2025

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3 By /s/ John R. Whitefleet  
4 John R. Whitefleet  
5 Attorney for Defendants  
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